IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 1ST NOVEMBER 2007 / 10TH KARTHIKA 1929

CRL.A.No. 1547 of 2003()

AGAINST THE ORDER IN CRLP'.350/2003 Dated 29/08/2003
CC.159/2000 of CHIEF JUDICIAL MAGISTRATE COURT, TRIVANDRUM

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APPELLANT:

G.NARAYANAN NAIR, DHANYA
SASTHAMANGALAM, TRIVANDRUM REP.BY HIS POWER OF ATTORNEY HOLDER GOPAKUMAR,S/O.NARAYANAN NAIR, DHANYA, SASTHAMANGALAM, TRIVANDRUM.

BY ADV. SRI.ANIMON A. JOHN
SRI.SEBASTIAN VARGHESE

RESPONDENTS: ACCUSED/STATE

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1. G.MOHANAN NAIR,
UDAYA BHAVAN, KANNAMKARA, CHAYAM, VITHURA, TRIVANDRUM.

2. G.JAYAUMAR, ELANKOM VEEDU,
KANNAMKARA, NR.POST OFFICE, ANAPPARA, VITHURA, TRIVANDRUM.

3. STATE OF KERALA,
REP BY PUBLIC
PROSECUTOR, OFFICE OF THE ADVOCATE GENERAL, ERNAKULAM.

BY ADV. SRI.BIJU KURIAKOSE
PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 01/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.A.No.1547 of 2003(B)

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Dated this the 1st day of November, 2007

J U D G M E N T

The appellant is the complainant in C.C.No.159/2000 in the file of the Chief Judicial Magistrate, Thiruvananthapuram, with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(i) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned on account of wrong noting of the posting date.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 30/11/2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

Sd/-
K.R.UDAYABHANU,
Judge

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P.A.to Judge